

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KING SOLOMON,

Plaintiff,

v.

TAPIA,

Defendant.

Case No. 1:22-cv-1604-KES-HBK (PC)

ORDER STRIKING PLAINTIFF'S MOTION  
FOR DISCOVERY

(Doc. No. 44)

Pending before the Court is Plaintiff's Motion for Discovery filed on January 10, 2025. (Doc. No. 44). Plaintiff seeks to compel additional discovery from Defendant. (*See generally Id.*).

Plaintiff's Motion is facially deficient. Under the Federal Rules of Civil Procedure and Local Rules of this Court, a party must confer or attempt to confer with the opposing party to resolve a discovery dispute before filing a motion to compel. Fed. R. Civ. P. 37(a)(1); *see* Local Rule 251(b). The Court expressly advised Plaintiff of the meet and confer requirement in its Case Management and Scheduling Order:

**The parties are required to act in good faith during discovery and are required to meet and confer, via correspondence or telephonically, to resolve any discovery dispute prior to filing any discovery motion.** Any motions to compel should be filed promptly after the non-receipt or receipt of the objectionable discovery; and,

1 in all cases no later than fourteen (14) days before the non-expert  
2 discovery deadline expires. Failure to timely file a motion to compel  
3 will result in a waiver of any objections to discovery. **The moving  
4 party must include certification that they have complied with  
5 their duty to meet and confer. The failure to include a  
6 certification or show good cause for failure to meet and confer  
7 will result in the motion being stricken.** The fact that Plaintiff is  
8 incarcerated does not constitute good cause to excuse either parties'  
9 duty to fulfill the meet and confer requirement.

6 (Doc. No. 33 at 2:16-25 (emphasis added)). The Court also warned Plaintiff of this requirement  
7 in its December 4, 2024 Order on Plaintiff's previous motion to compel. (*See* Doc. No. 40 at 4:2-  
8 8). Plaintiff does not provide any certification in his Motion that he attempted to comply with the  
9 meet and confer mandate. (*See generally* Doc. No. 44). Accordingly, Plaintiff's Motion is  
10 facially deficient, violates this Court's Case Management and Scheduling Order, and will be  
11 stricken as duly warned.

12 Accordingly, it is **ORDERED**:

13 The Clerk shall strike Plaintiff's Motion for Discovery (Doc. No. 44) and term it as  
14 pending motion.

15  
16 Dated: January 17, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE